

**AMENDMENTS TO THE CLAIMS:**

This listing of claims will replace all prior versions, and listings, of claims in the application.

**Listing of Claims:**

1. (Currently Amended) An image capturing apparatus for capturing image data on the basis of a light image acquired by an optical system, comprising:

a focusing member for achieving focus by moving said optical system to an infocus position; and

a controller for moving a position of a focus area which is set in an image formed by the light image so that the focus area includes a main subject, determining a present ~~focus~~ infocus position from a plurality of pieces of information in the focus area, obtained by driving said optical system around a reference position determined on the basis of a prior infocus position, and moving said optical system to the present infocus position by controlling said focusing member, wherein

at the time of ~~losing track~~ loss of the main ~~subject during its control~~, subject, said controller continues ~~to drive~~ the control in which the present infocus position is determined by driving said optical system around a reference position determined on the basis of ~~[[the]] a latest infocus position.~~ position as an extended control state.

2. (Currently Amended) The image capturing apparatus according to claim 1, wherein

at the time of ~~losing track~~ loss of the main ~~subject during its control~~, subject, said controller continuously uses a focus area in which the latest infocus position is obtained.

3. (Currently Amended) The image capturing apparatus according to claim 1, wherein

at the time of ~~losing track~~ loss of the main ~~subject during its control~~, subject, said controller specifies an area of which image information is similar to image information of the focus area in which the latest infocus position is obtained, and uses the focus area specified.

4. (Currently Amended) The image capturing apparatus according to claim 1, wherein

when the main subject cannot be found after continuing to drive said optical system for a predetermined time around the reference position determined on the basis of the latest infocus position, said controller determines a present infocus position irrespective of the reference position determined on the basis of the latest infocus position.

5. (Original) The image capturing apparatus according to claim 4, wherein at the time of determining a present infocus position irrespective of the reference position determined on the basis of the latest infocus position, said controller uses a focus area in a predetermined default position.

6. (Currently Amended) The image capturing apparatus according to claim 1, wherein

the reference position determined on the basis of the latest infocus position ~~when the track at the time of loss~~ of the main subject is ~~lost during control of said controller~~ is the latest infocus position itself.

7. (Currently Amended) The image capturing apparatus according to claim 1, wherein

the reference position determined on the basis of the latest infocus position ~~when the track at the time of loss~~ of the main subject is ~~lost during control of said controller~~ is determined on the basis of infocus positions at a plurality of time points in the past.

8. (Original) The image capturing apparatus according to claim 1, wherein the plurality of pieces of information in the focus area obtained by driving said optical system around the reference position is information obtained on both sides of the reference position.

9. Canceled

10. (Currently Amended) The image capturing apparatus according to claim 1, wherein

[[when]] at the track time of loss of the main ~~subject is lost during control of said controller,~~ subject, a wide focus area is used.

11. (Currently Amended) The image capturing apparatus according to claim 10, wherein

at the time of ~~losing the track~~ loss of the main ~~subject during its control,~~ subject, said controller specifies an area of which image information is similar to image information of the focus area in which the latest infocus position is obtained, and

when the main subject cannot be found after continuing the driving of said optical system for predetermined time around the reference position determined on the basis of the latest infocus position, said controller determines the present infocus position in the area specified irrespective of the reference position determined on the basis of the latest infocus ~~position.~~ position after the focusing member is forcedly driven to an initial position.

12. (Original) The image capturing apparatus according to claim 11, wherein the wide focus area is divided into a plurality of equal partial areas, and an area having similar image information is selected from the partial areas.

13. (Original) The image capturing apparatus according to claim 3, wherein the image information is brightness information or color information.

14. (Original) The image capturing apparatus according to claim 1, wherein a plurality of local focus areas in different positions are set in an image, and the focus area is selected from the local focus areas.

15. (Currently Amended) The image capturing apparatus according to claim 14, wherein

at the time of ~~losing the track~~ loss of the main ~~subject during its control~~, subject, said controller selects an area of which image information is similar to image information of the focus area in which the latest infocus position is obtained from the local focus areas, and uses the selected area.

16. Canceled

17. (Currently Amended) The image capturing apparatus according to claim [[16,]] 21, wherein

the position of the focus area during ~~a continuous~~ control is fixed to a position renewed immediately before [[a]] the time point when the infocus lens position became unspecified of loss of the main subject.

18. (Currently Amended) The image capturing apparatus according to claim [[16,]] 17, wherein

a similar area of which image information is similar to the image information in the focus area in the position renewed immediately before [[a]] the time point when the infocus lens position became unspecified of loss of the main subject can be specified, and

the position of the focus area during ~~a continuous~~ control is fixed to a position of a similar area.

19. (Currently Amended) The image capturing apparatus according to claim [[16,]] 21, wherein

when the ~~infocus lens position~~ main subject cannot be ~~specified~~ found after ~~performing a continuous control~~ continuing to drive said optical system for a predetermined time, the control mode is switched to the second control mode.

20. (Original) The image capturing apparatus according to claim 19, wherein the position of the focus area in the second control mode is a predetermined default position.

21. (New) The image capturing apparatus according to claim 1, wherein said controller is capable of switching between a first control mode of determining the present infocus position from the plurality of pieces of information in the focus area, obtained by driving said optical system around the reference position determined on the basis of the prior infocus position, and a second control mode of determining a present infocus position irrespective of the prior infocus position, and

wherein at the time of loss of the main subject during control in the first control mode, control in the first control mode is continued.

22. (New) The image capturing apparatus according to claim 21, wherein in the second control mode, the focusing member is driven for determining the present infocus position after the focusing member is forcedly driven to an initial position.

23. (New) An image capturing apparatus for capturing image data on the basis of a light image acquired by an optical system, comprising:

a focusing member for achieving focus by moving the optical system to an infocus position; and

a controller for moving a position of a focus area which is set in an image formed by the light image so that the focus area includes a main subject, determining a present infocus position from a plurality of pieces of information in the focus area, obtained by driving the optical system around a reference position determined on the basis of a prior infocus position, and moving the optical system to the present infocus position by controlling the focusing member, said controller being capable of switching between a first control mode of

determining the present infocus position from the plurality of pieces of information in the focus area, obtained by driving the optical system around the reference position determined on the basis of the prior infocus position, and a second control mode of determining a present infocus position irrespective of the prior infocus position,

wherein at the time of loss of the main subject during control in the first control mode, control in the first control mode is continued, and the controller continues the control in which the present infocus position is determined by driving the optical system around a reference position corresponding to a latest infocus position as an extended control state.

24. (New) A method for capturing image data on the basis of a light image acquired by an optical system, the method comprising the steps of:

step a) driving the optical system around a first reference position based upon a prior infocus position;

step b) obtaining a first plurality of pieces of information in a focus area during step a; and

step c) determining a present infocus position from the first plurality of pieces of information,

wherein, if a main subject is lost, at the time of loss of the main subject, the method further comprises the steps of:

step d) driving the optical system around a second reference position based upon a latest infocus position for less than a predetermined time;

step e) obtaining a second plurality of pieces of information in the focus area during step d; and

step f) determining a present infocus position from the second plurality of pieces of information.

25. (New) The method for capturing image data according to claim 24, further comprising the step of:

step g) determining the present infocus position independent of a prior infocus position,

wherein if the main subject is lost for the predetermined time, step g is executed.

26: (New) The image capturing apparatus according to claim 4; wherein the focusing member is driven for determining the present infocus position after the focusing member is forcedly driven to an initial position.